

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, July 14, 2014***

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Those Present: Mr. Dick Zimmerman, Chairman  
Mrs. Maggi Hays, Board Member  
Mr. Rick Stup, Board Member  
Mrs. Linda B. Thall, Sr. Assistant County Attorney  
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector  
Mr. Bob Shrum, Alcoholic Bev. Inspector  
Ms. Kathy L. Vahle, Administrator  
Mrs. Sandra Rees, Administrative Specialist IV

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9 am by Chairman Zimmerman.

1. Decision Required: New

RE: Thang D. Cao for the use of  
Cao & Associates, Inc.  
t/a Viet's Aroma  
440 Prospect Blvd.  
Frederick, MD 21701

Class B, On Sale, Beer, Wine & Liquor

Ms. Vahle stated this application has been withdrawn because they did not meet the requirements. They will reapply for a different license.

2. Decision Required: New

RE: Brad Rushbrook, Donna R.  
Kirschner and Bryce  
Rushbrook for the use of  
BR Bagels and More Inc.  
t/a Zipani Breads Café  
177A Thomas Johnson Dr.  
Frederick, MD 21702

Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet). The pending items are: the Occupancy Permit, the Fire Marshal approval, the Health Department, the Retail Sales Tax license correction, the Alcohol Awareness and the Inspector's Report. The licensee stated

they have taken the Alcohol Awareness course and all the permits have been applied for. They would like to open in one to two weeks.

**MOTION:** Mr. Stup made a motion for a Conditional Approval until August 18, 2014, subject to the Pending Items, Inspector's Report and filing of papers for the outside seating area.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays – Aye  
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

3. Decision Required: Violation

RE: Lean K. Manea and  
Chanmony Prom  
for the use of Water  
Street Liquors Inc.  
t/a Town 'n' Country  
Liquors  
34 Water St.  
Thurmont, MD 21788  
Class A, Off Sale, BWL # 11AL 1297 SU  
FCLB Case Number: 6761

Ms. Vahle stated this case had been postponed due to an emergency for the Police Officer. The Board is proposing to move the location of the Hearing to Thurmont for the convenience of the licensees.

4. **Use of Passports** – Ms. Vahle stated the Board had discussed the use of passports for identification for purchasing alcohol. She has checked with other counties and has received some responses, but no more since the last time the Board discussed this. Ms. Vahle asked the Board if they wanted to approve passports and under what conditions. Also, are other forms of ID, such as green card, Alien Registration Card or a Visa allowed without a passport? Are

there any other conditions they want to put in place? Harford County does allow passports and passport cards. St. Mary's County allows whatever is available by law. Cecil County does not define an acceptable form of ID anymore in detail then Article 2B, §12-108 allows. Alleghany County will only use a passport if there is a picture and a seal on it. Worcester County does allow passports. Kent County does accept passports and Alien Registration Cards. Mrs. Thall read the state law to the Board. The licensees have the flexibility to use what is sufficient. Mr. Stup contacted Delegate Schultz's Office since she sits on the subcommittee that deals with alcohol bills to find out what it said statewide. She inquired with the Attorney General's Office with the section that handles 2B issues, and they told her that there was no reason to file an amendment to add passports to 2B. She was willing to do that because she thought passports were acceptable. But the Attorney General's Office stated that it is up to the individual jurisdictions whether they want to take that form of ID or not. Mr. Stup feels from a pro tourism standpoint, that Frederick County should review this option. He would like to only accept foreign passports with U. S. Homeland Security stamps, which means that they cannot be in the country more than 90 days. Chairman Zimmerman stated the Board would have to amend their regulations to broaden it because the word "only" is used and it also states, "out of state requires two forms." Ms. Vahle asked Mrs. Thall if a policy would have to be adopted because we will need to get information to the licensees and what they need to look for. Mrs. Thall stated it depends on whether the Board wants to set broad guidelines and leave the discretion to the licensees. Chairman Zimmerman stated he would rather propose a broad acceptance of the passport with certain requirements such as a picture and a seal or Homeland Security stamp. The Green Card will not be accepted. The Board will be required to hold a Public Hearing for this proposal to include it in the Regulations. Mr. Stup will draft a statement to distribute and also respond to the initial complaint.

**MOTION:** Mr. Stup made a motion that under §6.15(g) that we temporarily amend that section to permit the use of Foreign Passports with valid Homeland Security Stamp as a form of ID until Regulations are amended and a Public Hearing is held.

Mr. Stup amended his motion to clarify that the Board will interpret §6.15(g) to allow licensees to accept passports with a Passport picture and valid Homeland Security stamp.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays – Aye  
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

5. **Madrone's** – There was a No Contest Letter issued to this establishment for Failing to File the Renewal on Time. It was 10 days late with a fine of \$500. They submitted a request to reduce the fine for filing the renewal late because of problems of getting the landlord to sign the renewal application and confusion in adding the Corporate Seal. Ms. Vahle asked if the Board would like to consider this request as a reconsideration of the No Contest fine, and does the Board want to modify the fine of \$500?

**MOTION:** Mr. Stup made a motion to reduce the fine from \$500 to \$400, \$50 a day for eight days.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays – Aye  
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

Ms. Vahle stated there was another licensee who submitted a request of reconsideration and she told them they had to file for a request of a Public Hearing because that was the other option. If you are going to allow Madrones to be considered as reconsideration will the Board do the same for the other licensees? The Board will reconsider it and put it on the Agenda.

6. **Buffalo Wild Wings** – A request was submitted from both Frederick and Urbana locations to hold a Best Seat in the House promotional contest with prizes.

**MOTION:** Mr. Stup made a motion to approve both locations for this promotional contest as specified in the request.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays – Aye  
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

7. **Owls Club** – They submitted a request to serve alcoholic beverages in their parking lot in front of the club for a Cornhole Tournament. Mr. Stup asked if they could use the orange snow fence 42” instead of a rope.

**MOTION:** Mr. Stup made a motion to approve this request and to use a 42” snow fence instead of just a rope as a barrier.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays – Aye  
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

8. Decision Required: Approval of the Meeting Minutes for June 30, 2014. Chairman Zimmerman stated he would like to amend the Staff Meeting Minutes on page 5 to change the word “challenge” to “compliment”.

**MOTION:** Mr. Stup made a motion to approve the Meeting Minutes for June 30, 2014 as submitted with a correction.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup - Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

9. **Hampton Inn** – Ms. Vahle stated there was a request to use what was the lighthouse as the restaurant portion of the business. It would be the major building of the hotel and then the lighthouse. Mr. Stup stated he did a walk through of the gazebo/lighthouse area with the General Manager Mr. Gray and the construction superintendent. They are proposing to construct a covered walkway that is totally enclosed with no access to other than the main building, entrance at the rear of the building and the gazebo/lighthouse. This is along the existing walk that is there. The gazebo sits in a storm water area with tall wetlands plants in it and none of that has changed. They also want to utilize existing patio outdoor seating area which has a masonry barrier around it. At least the 42” we require for outside areas which is very close to where the pool is that request does not include alcohol at the pool. Based on their testimony we do have a totally enclosed building to include the gazebo.

**MOTION:** Mr. Stup made a motion to approve the request based on their testimony amended by them by his inspection for a covered totally enclosed walkway between the main building and the gazebo and the use of the existing patio area for the consumption of alcohol. All subject to the inspector’s inspection and any recommendations

that they have including the existing access walk to the parking lot, a possible gate.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup - Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

The Board adjourned the Public Meeting to return to the administrative function meeting at 10AM.

**ADJOURN**

The meeting was adjourned at 10AM.

Respectfully submitted,

Kathy Vahle, Administrator  
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees